



Entered on Docket
August 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Fourth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Whole or In Part Upon
Investment In The Harbor Georgetown
Loan**

Hearing Date: July 26, 2011
Hearing Time: 1:30 p.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Harbor Georgetown Loan." ("Harbor Georgetown Loan") [DE 8495] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed, the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Harbor Georgetown Loan;
2 and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8495] is sustained; and
5 2. The claims listed on **Exhibit A** attached, are disallowed to the extent those
6 claims are based upon an investment in the Harbor Georgetown Loan.

7 PREPARED AND RESPECTFULLY SUBMITTED BY:

8 **LEWIS AND ROCA LLP**
9

10 By /s/ John Hinderaker
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12 John Hinderaker (*pro hac vice*)
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- _____ This Court has waived the requirement set forth in LR 9021(b)(1).
- XXX No party appeared at the hearing or filed an objection to the motion.
- _____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker.
Attorneys for USACM Liquidating Trust

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**USACM Trust
Harbor Georgetown Loan
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Harbor Georgetown, LLC Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Harbor Georgetown, LLC Loan
10725-01036	11/6/2006	Sierra West Inc	Po Box 8346 Incline Village, NV 89452-8346	425,583.32	50,000.00
10725-02106	1/11/2007	T-2 Enterprises LLC	Manager Warren W Tripp 250 Greg St Sparks, NV 89431	811,713.52	50,000.00
10725-02191	1/12/2007	TDS Revocable Family Trust Dtd 9/29/98	T Dwight & Bonnie J Sper Ttees 1005 Cypress Ridge Ln Las Vegas, NV 89144-1425	1,778,674.00	50,000.00
10725-01169	11/10/2006	Tomlin, Donald S	Donald S & Dorothy R Tomlin Ttee 7145 Beverly Glen Ave Las Vegas, NV 89110-4228	2,779,806.00	100,572.00
10725-02103	1/11/2007	Tripp Enterprises Inc A Nevada Corp	Warren W Tripp 250 Greg St Sparks, NV 89431	980,535.84	100,000.00
10725-02105	1/11/2007	Tripp Enterprises Inc Restated Profit Sharing Plan	Warren W Tripp Ttee 250 Greg St Sparks, NV 89431	875,670.12	100,000.00
10725-02104	1/11/2007	Tripp, Warren W	250 Greg St Sparks, NV 89431	1,183,402.50	100,000.00
10725-02279	1/12/2007	Winkler Family Trust Dtd 3/13/86	Carmel & Rudolf Winkler Trustee 10000 Rossbury PL Los Angeles, CA 90064	1,210,635.98	50,000.00

EXHIBIT A

2405447.1

**USACM Trust
Harbor Georgetown Loan
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Harbor Georgetown, LLC Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Harbor Georgetown, LLC Loan
10725-02280	1/12/2007	Winkler Family Trust Dtd 3/13/86	Carmel & Rudolf Winkler Trustee 10000 Rossbury PL Los Angeles, CA 90064	260,430.44	50,000.00
10725-02278	1/12/2007	Winkler Ira, Rudolf	10000 Rossbury Pl Los Angeles, CA 90064-4826	651,800.22	50,000.00
10725-01643	12/11/2006	Winkler, Carmel Ttee Of Winkler Family Trust	10000 Rossbury PL Los Angeles, CA 90064	32,254.00	12,500.00

EXHIBIT A

2405447.1